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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,832	09/22/2003	James Hensley	200208058-1	1001

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EXAMINER	
NGO, HUNG V	

ART UNIT	PAPER NUMBER
2831	

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/667,832	HENSLEY ET AL.	
	Examiner	Art Unit	
	Hung V. Ngo	2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16, 20, 25, 26, 31, 34, 37-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *10-15 and 37-40* is/are allowed.

6)☒ Claim(s) *1-9, 16, 20, 25, 26 31, 34,* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-9, 16, 20, 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanson (US 6,775,131).

Re claim 1, Hanson discloses An EMI gasket mechanism for sealing a space anterior to a surface, thereby inhibiting or preventing passage of EMI radiation through the space, the EMI gasket mechanism comprising:

a first jaw (101 or 200);

a second jaw (the other of 101, 200) spaced apart from the first jaw by a distance, the first and second jaws defining a region therebetween,

a resilient EMI gasket (300) disposed in the region between the first and second jaws; and

an actuator (401) operably linked to the first and second jaws and configured to reduce the distance between the first and second jaws when the actuator is activated,

thereby squeezing the resilient EMI gasket between the first and second jaws and causing a portion of the resilient EMI gasket to protrude (Fig 5a,5b), whereby the protruding portion of the resilient EMI gasket is forced into contact with the surface (Fig 5b), thereby sealing the space anterior to the surface against passage of EMI radiation.

Re claim 2, wherein the first jaw has an outer edge and, when the actuator is activated and the resilient EMI gasket is squeezed between the first and second jaws, the resilient EMI gasket protrudes beyond the outer edge of the first jaw (Fig 5b).

Re claim 3, wherein the first jaw has an outer edge and the second jaw has an outer edge and, when the actuator is activated and the resilient EMI gasket is squeezed between the first and second jaws, the resilient EMI gasket protrudes beyond the outer edge of the first jaw and beyond the outer edge of the second jaw (Fig 5b).

Re claim 4, wherein the actuator comprises a cam-lever (401).

Re claim 6, further comprising a stop (recess 201) adjacent the resilient EMI gasket, wherein, when the actuator is activated and the resilient EMI gasket is squeezed between the first and second jaws, the stop limits protrusion of the resilient EMI gasket in a direction away from the surface.

Re claim 7, wherein the first jaw comprises a stepped plate (Fig 5a).

Re claim 8, wherein the second jaw comprises a compression ring (201).

Re claim 9, wherein the first jaw comprises the surface (Fig 5a).

Re claim 16, Hanson discloses a method of sealing a space anterior to a surface, thereby inhibiting or preventing passage of EMI radiation through the space, comprising:

positioning a resilient EMI gasket around a riser and in the space anterior to the

surface (Fig 5b);

operating a cam-lever to (402) squeeze the resilient EMI gasket, thereby causing a portion of the resilient EMI gasket to come into contact with and be forced against the surface (Fig 5b); and

limiting protrusion of the resilient EMI gasket in a direction away from the surface by using the riser (Fig 5b).

Re claim 20, Hanson discloses a method of sealing a space anterior to a surface, thereby inhibiting or preventing passage of EMI radiation through the space, comprising:

positioning an inflatable resilient EMI gasket in the space anterior to the surface (Fig 5A) and operating a cam lever (402) to inflate the inflatable resilient EMI gasket, thereby causing a portion of the inflatable resilient EMI gasket to come into contact with and be forced against the surface (Fig 5b).

Re claim 25, further comprising limiting protrusion of the inflatable resilient EMI gasket in a direction away from the surface (Fig 5b).

Claims 26, 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Dyk, Jr. (US 4,399,317).

Van Dyk, Jr. disclose a method of installing a device (12) in a housing (enclosure), wherein

installation of the device requires sealing a space between the device and a mating surface on the housing or on an adjacent device (12) against passage of EMI radiation through the space (Fig 2, 3), comprising:

inserting the device into the housing (Fig 2), and

positioning a resilient EMI gasket (24, 27) in the space

after inserting the device into the housing, squeezing the resilient EMI gasket in a manner that does not utilize insertion forces applied to the device (Fig 2a).

causing a portion of the resilient EMI gasket to protrude and contact the mating surface (Fig 3a).

re claim 34 Van Dyk, Jr, disclose a method of installing a device in a housing, wherein installation of the device requires sealing a space between the device and a mating surface on the housing or on an adjacent device (12) against passage of EMI radiation through the space (Fig 2, 3), comprising:

inserting the device into the housing (Fig 2), and

positioning an inflatable resilient EMI gasket (24, 27) in the space,

inflating the inflatable resilient EMI gasket in a manner that does not rely on insertion force applied to the device (Fig 2a), thereby causing a portion of the inflatable resilient EMI gasket to protrude and contact the mating surface.

wherein one of either the device or the housing comprises the EMI gasket mechanism (Fig 2).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Miles (US 6,078,054).

Re claim 1, Mile discloses an EMI gasket mechanism for sealing a space anterior to a surface, thereby inhibiting or preventing passage of EMI radiation through the space, the EMI gasket mechanism comprising:

a first jaw (10);

a second jaw (26) spaced apart from the first jaw by a distance, the first and second jaws defining a region therebetween,

a resilient EMI gasket (11, 17, 18) disposed in the region between the first and second jaws; and

an actuator (2) operably linked to the first and second jaws and configured to reduce the distance between the first and second jaws when the actuator is activated, thereby squeezing the resilient EMI gasket between the first and second jaws and causing a portion of the resilient EMI gasket to protrude (Fig 8), whereby the protruding portion of the resilient EMI gasket is forced into contact with the surface, thereby sealing the space anterior to the surface against passage of EMI radiation (Fig 3).

Re claim 5, wherein the actuator comprises a threaded shaft (2)

Re claim 31, Miles discloses a method of sealing a space anterior to a surface, thereby

inhibiting or preventing passage of EMI radiation through the space, comprising:

positioning a resilient EMI gasket (18) around a riser (9) in the space anterior to the surface;

rotating a threaded shaft (2) to squeeze the resilient EMI gasket, thereby causing a portion of the resilient EMI gasket to forcibly contact the surface; and

limiting protrusion of the resilient EMI gasket in at least one direction away from the surface by using the riser.

Response to Arguments

Applicant's arguments with respect to claims 26, 34 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 10-15, 37-40 are allowed

The indicated allowability of claims 1-9 16, 20, 25, 31, 34 is withdrawn in view of the newly discovered reference(s) to Hanson.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung V. Ngo whose telephone number is (571) 272-1979. The examiner can normally be reached on Monday to Thursday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on (571) 272-2800 EXT 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVN
08-30-06

Hung V Ngo

HUNG V. NGO
PRIMARY EXAMINER